

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CLAUDE CLEANTE,

Plaintiff,

v.

LOCAL UNION 226,

Defendant.

Case No. 2:13-cv-01930-MMD-GWF

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge George Foley, Jr. (dkt. no. 5) ("R&R") recommending dismissal with prejudice. No objections have been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no

1 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
2 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view  
3 that district courts are not required to review "any issue that is not the subject of an  
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
5 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt Magistrate Judge Foley's R&R. The Magistrate Judge  
10 recommended dismissal for Plaintiff's failure to comply with the Court's order for him to  
11 file an amended complaint following dismissal of his initial complaint. Upon reviewing  
12 the Recommendation and underlying records, this Court finds good cause to adopt the  
13 Magistrate Judge's Recommendation in full.

14 It is therefore ordered that the Report and Recommendation of Magistrate Judge  
15 George Foley, Jr. (dkt. no. 5) be accepted and adopted in its entirety. This case is  
16 dismissed with prejudice.

17 DATED THIS 25<sup>th</sup> day of July 2014.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE